

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, REPEALING ORDINANCE NO. 08-01-05; AMENDING DIVISION 10 (PROPERTY MAINTENANCE) OF ARTICLE IV (TECHNICAL CODES) OF CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS) OF PART II OF THE FRISCO CODE OF ORDINANCES; ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, SAVE AND EXCEPT THE AMENDMENTS SET FORTH HEREIN; REGULATING ALL EXISTING PREMISES BY ESTABLISHING MINIMUM REQUIREMENTS AND STANDARDS FOR PREMISES, STRUCTURES, EQUIPMENT, AND FACILITIES FOR LIGHT, VENTILATION, SPACE, HEATING, SANITATION, PROTECTION FROM THE ELEMENTS, LIFE SAFETY, SAFETY FROM FIRE AND OTHER HAZARDS, AND FOR SAFE AND SANITARY MAINTENANCE WITHIN THE CITY OF FRISCO, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous, beneficial and in the best interests of the citizens of the City of Frisco, Texas ("Frisco") to amend Division 10 (Property Maintenance) of Article IV (Technical Codes) of Chapter 18 (Buildings and Building Regulations) of Part II of the Frisco Code of Ordinances by adopting the 2012 Edition of the International Property Maintenance Code, save and except the deletions and additions set forth below; and

WHEREAS, the City Council has investigated and determined that in order to most effectively make the deletions and additions necessary to Division 10 (Property Maintenance) of Article IV (Technical Codes) of Chapter 18 (Buildings and Building Regulations) of Part II of the Frisco Code of Ordinances, it is in the best interest of the citizens of Frisco to repeal Ordinance No. 08-01-05 (International Property Maintenance Code), in its entirety, and replace it with this Ordinance, adopting the 2012 Edition of the International Property Maintenance Code, save and except the deletions and additions set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Repeal of Ordinance No. 08-01-05. Ordinance No. 08-01-05 is hereby repealed, in its entirety, and replaced by this Ordinance. The effective date of the repeal discussed in this Section shall not occur until the effective date of this Ordinance at which time Ordinance No. 08-01-05 shall be repealed. Such repeal shall not abate any pending prosecution

and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of Ordinance No. 08-01-05 occurring before the effective date of this Ordinance.

SECTION 3: Amendment to Division 10 (Property Maintenance) of Article IV (Technical Codes) of Chapter 18 (Buildings and Building Regulations) of Part II of the Frisco Code of Ordinances. Division 10 (Property Maintenance) of Article IV (Technical Codes) of Chapter 18 (Buildings and Building Regulations) of Part II of the Frisco Code of Ordinances is hereby amended for the sole purpose of adopting new property maintenance code regulations as set forth in the 2012 International Property Maintenance Code, including Appendix A, copyrighted by the International Code Council, Inc., save and except the deletions and additions set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, regulating all existing residential and nonresidential structures and all existing premises by establishing minimum requirements and standards for premises, structures equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety from fire and other hazards, and for safe and sanitary maintenance within Frisco ("2012 International Property Maintenance Code"). The 2012 International Property Maintenance Code is made a part of this Ordinance as if fully set forth herein. Three (3) copies of the 2012 International Property Maintenance Code are on file in the office of the City Secretary of Frisco being marked and designated as the 2012 International Property Maintenance Code. The deletions and additions set forth in Exhibit "A" are located on Frisco's website under Development Services.

SECTION 4: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 5: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00), and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 7: Effective Date. This Ordinance shall become effective upon its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FRISCO, TEXAS, on this _____ day of December, 2013.

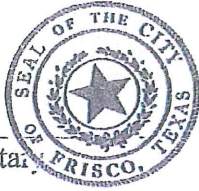
Maher Maso

Maher Maso, Mayor

ATTESTED AND CORRECTLY
RECORDED:

Jenny Page

Jenny Page, City Secretary



APPROVED AS TO FORM:

Courtney A. Kuykendall

Abernathy Roeder Boyd & Joplin P.C.
Courtney A. Kuykendall, City Attorneys

Date(s) of Publication: December 3rd and December 13th, 2013, *Frisco Enterprise*

Exhibit "A"
CITY OF FRISCO DELETIONS/ADDITIONS
2012 International Property Maintenance Code¹

In the event of a conflict with the 2012 International Property Maintenance Code and any of the deletions and additions, the additions shall control. The following deletions and additions to the 2012 International Property Maintenance Code are hereby approved and adopted (*i.e.* deletions evidenced by ~~strikethrough~~ and additions evidenced by underline)²:

Chapter 1. Scope and Administration of the 2012 International Property Maintenance Code is amended as follows:

Section 101 General of the 2012 International Property Maintenance Code is amended as follows:

[A] **101.1 Title.** These regulations shall be known as the ~~International Property Maintenance Code of the City of Frisco, Texas, hereinafter referred to as "this code."~~

[A] **101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and changes of occupancy in existing buildings shall comply with Frisco's Building, Electrical, Mechanical, Plumbing, Fire, and Health Codes, as they currently exist or may be amended, and the Frisco Zoning & Subdivision Regulation Ordinances, as they currently exist or may be amended.

Section 102 Applicability of the 2012 International Property Maintenance Code is amended as follows:

[A] **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the ~~International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code, and NFPA 70—Frisco Building, Electrical, Mechanical, Plumbing, Fire, and Health Codes, as they currently exist or may be amended, and the City of Frisco Comprehensive Zoning & Subdivision Ordinances, as they currently exist or may be amended.~~ Nothing in this code shall be construed to

¹ Unless otherwise expressly provided herein, all phrases, words and/or terms used herein shall have the same meaning ascribed to the same in the 2012 International Property Maintenance Code (regardless of whether such phrases, words and/or terms are italicized herein).

² Other italicized and bold notations are provided throughout for informational purposes only. By way of example only, "[*Paragraph remains unchanged.*]"

cancel, modify, or set aside any provision of the International Zoning Code Frisco Comprehensive Zoning and/or Subdivision Ordinances, as they currently exist or may be amended.

[A] **102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be ~~those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Section 102.7 and 102.7.2~~ the Frisco Comprehensive Zoning & Subdivision Regulation Ordinances, and the Building, Electrical, Mechanical, Plumbing, Fire, and Health Codes adopted by Frisco, as they currently exist or may be amended. Where differences occur between provisions of this code and the referenced standards, the most restrictive code shall apply.

Section 103 Department of Property Maintenance Inspection of the 2012 International Property Maintenance Code is amended as follows:

[A] **103.5 Fees.** The fees for activities and services performed by the department or division in carrying out its responsibilities under this code shall be as indicated ~~in the following schedule according to the Frisco Building Code, Fire Code, Health codes, and/or local ordinances, as they currently exist or may be amended.~~

Section 104 Duties and Powers of the Code Official of the 2012 International Property Maintenance Code is amended as follows:

[A] **104.1 General.** The code official or his/her designee is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effects of waiving requirements specifically provided for in this code. ~~The code official or his/her designee shall enforce the provisions of this code.~~

Section 106 Violations of the 2012 International Property Maintenance Code is amended as follows:

[A] **106.4 Violation penalties.** Any ~~person~~ property owner who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the time limits provided by ~~state or local laws~~ Frisco. Each day that a violation continues after due notice has been ~~service~~ served shall be deemed a separate offense.

Citations; Work or Improvements by Frisco; Charges Against Property Owner. If the owner fails or refuses to comply with the demand for compliance in the notification within the requirements set forth in the notification, Frisco may:

- A. issue citations as provided in Section 107 Notices and Orders, as it currently exists or may be amended; and/or
- B. do work or make improvements required to abate the violation(s), pay for the work done or improvements made, and charge the expenses to the owner of the property as provided herein. The property owner will have twenty (20) days to reimburse Frisco from the completion date of such work to abate the violation(s) at the property.

Assessment of Expenses; Lien.

- A. In the event the owner fails or refuses to pay such expenses charged to the owner, within twenty (20) days after the abatement work is completed, a lien may be obtained. The lien and other expenses incurred by Frisco may be filed against the property. Expenses may include, but not be limited to the following:
 - Fees for service work to abate violation(s);
 - Administrative Fee of \$150.00;
 - fees to file lien;
 - fees to release lien;
 - postage fees;
 - courier fees;
 - legal fees; and
 - any other fees charged to Frisco. To obtain a lien, the Mayor, Mayor's designee, or Frisco's Code Enforcement Official, health authority, or other authorized City official or employee must file a statement of the expenses incurred to correct the condition of the real property with the County Clerk of the County in which the property is located. The statement must also state the name of the owner, if known, and the legal description of the property. The lien attaches upon filing of the statement with the appropriate County Clerk.
- B. Frisco's lien under this section shall be a prior lien on such property, second only to tax liens and liens for street improvements. The lien amount shall include simple interest, which shall accrue at the rate of ten percent (10%) per annum on the date the expenses were incurred by Frisco. Frisco may bring suit for foreclosure to recover the expenditures and the interest due.

Section 107 Notices and Orders of the 2012 International Property Maintenance Code is amended as follows:

[A] 107.3 Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally to the property owner and/or to the person responsible for the violation in writing; or
2. Sent by certified or first-class letter addressed to the last-known address: property owner at the property owner's address as recorded in the appraisal district records of the county appraisal district in which the property is located or sent by letter addressed to the person responsible for the violation; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. If personal service of the property owner cannot be obtained:
 - i. by publication in Frisco's official newspaper at least once;
or
 - ii. by posting on or near the front and rear door if alley is served of each building on the property to which the violation relates; or
 - iii. by posting a notice to a placard attached to the building or stake driven into the ground on the property to which the violation relates.
4. If the City mails a notice to the property owner in accordance with this section, and the United States Postal Service returns the notice as "refused", "unclaimed", or if the address required by subsection 107.3(2) was used and the notice is returned as "not deliverable as addressed" (or equivalent marking), the validity of the notice is not affected, and is considered delivered.

Section 109 Emergency Measures of the 2012 International Property Maintenance Code is amended as follows:

[A] 109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction and may be reimbursed by the property owner. The jurisdiction may seek reimbursement from the property owner for the performance of emergency work. The legal counsel of the jurisdiction may institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

Section 111 Means of Appeal of the 2012 International Property Maintenance Code is amended as follows:

[A]111.1 Application for appeal. The Construction The Board of Construction Appeals, created by Frisco Ordinance No. 02-02-28, as it currently exists or may be amended, will serve as the board of appeals. Any person directly affected by a decision of the code official or his/her designee or a notice or order issued under this code shall have the right to appeal to the Construction Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after

the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Chapter 2. Definitions of the 2012 International Property Maintenance Code is amended as follows:

Section 202 General Definitions of the 2012 International Property Maintenance Code is amended as follows:

202 Definition of Easement. That portion of land or property reserved for present or future use by a person, ~~or agency~~ municipality, governmental entity, or any other agency other than the legal fee owner(s) of the property as recorded in the appraisal district records of the appraisal district in which the property is located. The easement shall be permitted to be for use under, on or above a said lot or lots.

Chapter 3. General Requirements of the 2012 International Property Maintenance Code is amended as follows:

Section 302 Exterior Property Areas of the 2012 International Property Maintenance Code is amended as follows:

302.3 Sidewalk and driveways. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous condition, and any type of blockage that obstructs or encumbers passage or access.

302.4 Vegetation & Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches ~~(insert height in inches).~~ All noxious weeds shall be prohibited. ~~Weed shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided;~~ Vegetation that creates a nuisance and shall meet the requirements as defined in the Frisco Nuisance Abatement Ordinance No. 01-09-62, as it currently exists or may be amended. However, this term Vegetation shall not include exclude regularly cultivated flowers and gardens located on private property. Landscape beds shall be maintained, weed free, and as originally planted. Landscape beds not maintained shall be presumed to be a nuisance, as defined by the Frisco Nuisance Abatement Ordinance No. 01-09-62, as it currently exists or may be amended. Property owner may elect to make landscape bed improvements or remove landscape beds at a property, unless otherwise required. Trees and shrubs and the like shall be maintained as defined by the Frisco Engineering Thoroughfare Design Standards Ordinance for restrictions and limitations of improvements and landscaping in visibility easement and public-ways. Vegetation shall not encroach into a pedestrian walkway or vehicular traveled

way. It shall be the duty of any owner of real property, including property with an agriculture exemption, within Frisco to maintain property from weeds or plant growth in excess of twelve (12) inches within:

1. the parkway between the property line-sidewalk and the curb;
2. the abutting right-of-way or easement between any fence, wall or barrier and the curb or pavement if such exists or the centerline of such right-of-way;
3. the area between a fence, wall, or barrier and within any abutting drainage channel easement to the top of such channel closest to the property;
4. any area directly across an alley or traveled way that borders the property which is between the edge of the alley or traveled way and a screening wall or other barrier; or
5. fifty (50) feet adjacent of another property line for agriculture exempt, free and clear of the vegetation over twelve (12) inches.

Upon failure of the property owner to abate a violation after service of a notice of violation, then the property owner shall be subject to prosecution in accordance with Section 106.3 and as prescribed by Frisco. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or official of Frisco or contractor agent hired by jurisdiction-Frisco shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the cost of such removal shall be paid by the owner or agent responsible for the property. correct the violation thereon. All costs of such corrections shall be paid by the property owner and/or owner responsible for the property to Frisco at the rates and fees referenced in Section 106.4 until such fee is reimbursed for services rendered.

Section 302.8 Motor Vehicles of the 2012 International Property Maintenance Code is amended as follows:

302.8.1 Motor vehicles. It shall be prohibited for a motor vehicle to leak or deposit waste onto a private drive or public street. Waste includes oils, greases and other fluids.

Section 303 Swimming Pools, Spas and Hot Tubs of the 2012 International Property Maintenance Code is amended as follows:

303.2 Enclosures. Private and Public swimming pools, hot tubs and spas, containing more than 24 inches (610mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching and meet all other requirements of the Frisco Public and Private Pool Ordinance(s), as it/they currently exist(s) or may be amended. Gates and doors may not be propped open. Gates, doors and fences may not create a life/safety hazard. All release

mechanisms of residential pools, hot tubs and spas shall comply with the adopted Frisco International Residential Code Ordinance, as it currently exists or may be amended. All release mechanisms of non-residential pools, hot tubs and spas shall comply with the Frisco Public and Private Pool Ordinance(s), as it/they currently exist(s) or may be amended. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from a full open position up to and including a six (6) inch open position from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

Section 304 Exterior Structure of the 2012 International Property Maintenance Code is amended as follows:

304.3 Premises identification. Buildings shall have approved address numbers placed in position to be plainly legible and visible from the street or road fronting the property and visible from the alley, if applicable, of the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Cross lot drainage is prohibited, unless drainage is accepted and approved in accordance with the Frisco Engineering Design Standards Ordinance, as amended, Sec 4.10 (A), Drainage Design Requirements, as indicated on the approved plans for a property or subdivision. Drainage swales shall be maintained free from any obstruction and shall not be compromised.

Section 304.13 Windows, skylight and door frames of the 2012 International Property Maintenance Code is amended as follows:

304.13.3 Interior or Exterior Window Coverings. Interior or exterior window coverings that are visible from the exterior of the structure shall be maintained in good condition and have an exterior appearance that is in character with the exterior of the structure. Materials similar to aluminum foil, newspaper, unpainted plywood, other types of untreated building materials or other materials that are not normally considered window coverings shall be prohibited.

304.14 Insect Screens. ~~During the period from Date to Date, At all times every~~ door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed,

manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm).

Section 308 Rubbish and Garbage of the 2012 International Property Maintenance Code is amended as follows:

308.2.2 Refrigerators & other similar equipment. Refrigerators Appliances, furniture and other similar household equipment and debris not in operation shall not be discarded, abandoned or stored ~~on premises without first removing the doors.~~ in any manner that may create an attractive nuisance for children or pets or in a manner that may create a life/safety hazard.

Section 308.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage, trash and/or any other debris in a clean and sanitary manner by placing such garbage, ~~in an approved garage disposal facility or approved garage container~~ trash and other debris into a Frisco approved garbage container for disposal or dispose of garbage, or trash, and other debris at an approved facility. All garbage, trash, and/or debris shall be placed into a trash bag prior to placement into a Frisco approved garbage receptacle.

Section 308.3 Disposal of Garbage of the 2012 International Property Maintenance Code is amended as follows:

Section 308.3.1 Garbage facilities. The owner of every dwelling or rental dwelling shall supply ~~one~~ all of the following: an approved mechanical food waste grinder in each dwelling unit, unless, otherwise provided, and an approved outside, covered garbage container. ~~An approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage containers.~~

Chapter 6 Mechanical and Electrical Requirements of the 2012 International Property Maintenance Code is amended as follows:

Section 602 Heating Facilities of the 2012 International Property Maintenance Code is amended as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of sixty-eight degrees Fahrenheit (68°F), or twenty degrees Celsius (20°C), in all habitable rooms, bathrooms and toilet rooms. ~~based in the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code.~~ Cooking appliances shall not be used, ~~nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating~~ to provide space heating to meet the requirements of this section. Space heaters shall not be used as a primary source to provide heat for habitable rooms, bathrooms and toilet rooms.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, ~~or sleeping units~~ rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat ~~during the period from Date to Date~~ at all times to maintain a temperature of not less than sixty-eight degrees Fahrenheit (68°F), or twenty degrees Celsius (20°C), in all habitable rooms, bathrooms, and toilet rooms.

602.4 Occupiable work spaces. Indoor ~~occupiable~~ occupied workspaces shall be supplied with heat ~~during the period from Date to Date~~ at all times to maintain a ~~minimum~~ temperature of not less than sixty-five degrees Fahrenheit (65°F), or eighteen degrees Celsius (18°C), during the period the spaces are occupied. Include all 'Exceptions' listed in this section.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with ~~with~~ NFPA 70. ~~Dwelling units shall be served by three wire, 120/240-volt, single-phase electrical service having a minimum rating of 60 amperes.~~ Frisco's Electrical Code, as it currently exists or may be amended.

Chapter 7 Fire Safety Requirements of the 2012 International Property Maintenance Code is amended as follows:

Section 702 Means of Egress of the 2012 International Property Maintenance Code is amended as follows:

702.1 General. A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or structure to the public way right-of-way. Means of egress shall comply with ~~the International Frisco's~~ Fire Code, as it currently exists or may be amended.

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